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First special session

SUMMARY RECORD OF THE 3rd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 14 August 1992, at 10 a.m.

Chairman: Mr. SOLT (Hungary)

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Letter dated 5 August 1992 from the Permanent Representative of the United States of America to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (continued)

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The meeting was called to order at 10.30 a.m.

LETTER DATED 5 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS (agenda item 3) (continued) (E/CN.4/1992/S-1/2 to 7; E/CN.4/1992/S-1/NGO 1 and 2; E/CN.4/1992/S-1/L.2)

1. Mr. WADLOW (International Fellowship of Reconciliation), reporting on the conclusions of the third Congress of the European Civic Forum, held in France from 2 to 9 August 1992, said that action should be taken to bring about the immediate demilitarization of Bosnia and Herzegovina, then of the neighbouring republics - Serbia and Montenegro, and finally of the whole of Yugoslav territory. The established authorities in Belgrade should take steps to ensure respect for human rights and the elimination of all ethnic discrimination in Kosovo. Although they strongly disagreed with the policy of premature recognition of independent republics by the international community, the participants in the Congress had called for recognition of the independence of the Republic of Macedonia.

2. The Congress had advocated: the establishment of an international tribunal which would be responsible for trying war crimes and crimes against humanity and would examine, as a matter of priority, all human rights violations committed in the context of "ethnic cleansing"; the establishment of a permanent court of human rights whose competence would be restricted to the Yugoslav area; and the setting-up of a centre for the collection and dissemination of information, accessible in particular to all citizens of the former Yugoslavia. Finally, the European Civic Forum had requested that the former Yugoslavia should be required to respect the freedom of expression of all citizens and that support should be given to any independent initiative in the field of communication.

3. Mr. PHILLIPS (Minority Rights Group) considered that the Special Session of the Commission on Human Rights should not have been convened because the human rights violations with which it was now confronted could have been avoided if the United Nations had taken the necessary early action when violations of human rights in Yugoslavia had been reported to the Commission over two years previously. Rejecting the arguments of those who advocated the creation of areas of "linguistic and cultural purity" and of those who claimed to be "redressing errors and accidents of history" in the name of minority rights, his organization emphasized that various communities had lived together peacefully in Yugoslavia until certain bigoted politicians, eager to take power, had exploited differences at a time of radical change.

4. It was clear that a redefinition of State frontiers did not usually solve minority problems because it merely altered the demographic composition of the population and led to the emergence of new minority groups. Similarly, punishing war criminals was only a partial solution to the problem. A lead had been given by the United Nations with the Declaration on the rights of persons belonging to national, ethnic, religious or linguistic minorities, but there was a need for technical assistance programmes to promote peaceful coexistence and respect for minority rights.

5. In Vojvodina, Montenegro and Kosovo, the ethnic minorities - Hungarians, Muslims and Albanians - were in a desperate situation, and even greater violence could erupt at any moment. It was therefore essential that the proposed special rapporteur should be able to act quickly throughout the former Yugoslavia.

6. Mr. DAVIES (Defence for Children International) said that he was outraged by the way in which human rights in general and children's rights in particular were being violated as a result of the current armed conflict in the former Yugoslavia. His organization supported in principle the idea of special measures, taken in consultation with ICRC, UNHCR, UNICEF and other concerned bodies, to ensure that children were afforded the protection provided for under international instruments, in particular the Convention on the Rights of the Child.

7. However, he emphasized that such extraordinary measures must be in total conformity with the rights set out in the Convention. For instance, the evacuation of children to "safe areas" involved a risk of displacement and separation from families. His organization therefore recommended: that provision should be made for explicit guarantees that the children to be evacuated were properly identified; that they were prepared and accompanied; that relatives and other members of the community of origin were kept informed of their whereabouts; that they were evacuated to a place near their place of habitual residence; that contact was maintained between children and their families; and that they were protected from any initiative regarding adoption that did not conform to accepted international standards.

8. Mr. MIYET (France) said that his country refused to accord any legitimacy to operations directed primarily against innocent civilians, and to theories based on exclusion and rejection. He was surpised, moreover, that a country which, under the aegis of ICRC, had, in November 1991 and May 1992, signed agreements on respect for humanitarian law, which had spoken about the freedom and dignity of peoples, and which had undertaken to implement the principles of CSCE should set so little store by the fundamental rights of the person.

9. Even though it was difficult to know the whole truth about the human rights violations and even though abuses were apparently being committed on all sides, the Serbian side undeniably bore a particular responsibility for the outbreak and spread of the conflict. Fresh measures must be taken to prohibit any further violations of human rights, restore law and justice, and bring the guilty parties to book.

10. The fact that the President of the French Republic had gone to Sarajevo in June and that the French Secretary of State for Humanitarian Affairs was back in Bosnia and Herzegovina was for the sole purpose of strengthening the role of the United Nations and ICRC, as was attested by the efforts already made by France in dispatching thousands of soldiers as part of UNPROFOR and making two liaison officers available to UNHCR. France was once again ready to make an additional contribution under Security Council resolutions 770 (1992) and 771 (1992).

11. France called on the legal or de facto authorities of the States or entities of the former Yugoslavia: to comply with the international instruments on human rights and humanitarian law, whether they had been

ratified by the former Yugoslavia or were specific agreements which they themselves had signed; to give ICRC permanent access to any place of its choosing; and to give UNHCR and the humanitarian organizations full freedom to ease the suffering of the civilian population. France also requested that the special rapporteur to be appointed by the Commission should be granted freedom of movement and the broadest possible means of investigation throughout the territory of the former Yugoslavia. The special rapporteur must have the support of a competent, rapidly deployable team and have access to all possible sources of information, especially in cases of grave violations of humanitarian law. And France further called for the prompt restoration of the most fundamental rights. Any commitment secured by force or under duress must be considered invalid and every individual must be able, of his own choosing, to recover his property or receive compensation. Violations committed in the name of grand ideals of nationhood, race or religion must cease, and peoples must be able to hold in check any leaders who drew them into the vicious cycle of violence.

12. France welcomed the timely initiative of the United States and hoped that the Commission's Special Session would play a decisive role. Responsible as it was within the United Nations for protecting human rights, the Commission could not stand aloof from the debate on the pretext that the Security Council, too, was concerned with the former Yugoslavia. In the context of preparations for the World Conference on Human Rights, it would, moreover, be advisable to refine and strengthen emergency procedures and mechanisms.

13. Mr. MASHHADI (Islamic Republic of Iran) said that the Bosnian Muslims had been hunted and slaughtered for months without any Government or international organization taking effective measures to stop the horrors which, according to witnesses, were 'ndescribable. The Serbs, the perpetrators of those actions and of a murderous policy of "ethnic cleansing", were thus flagrantly violating international law and humanitarian law.

14. In the past, crimes of lesser magnitude had elicited harsher military responses. It was argued by some that adding to the violence would not solve the problem, and Governments that were ready to send armoured vehicles to protect a loaf of bread would take no risks to stop bloodshed. No practical action had been envisaged to provide arms to the people of Bosnia and Herzegovina, to deploy United Nations troops on Serbia's borders, to threaten Serbian positions, to establish a United Nations special committee to investigate war crimes in accordance with the Nürnberg rules, and to protect Bosnian civilians.

15. His delegation welcomed the convening of a special session of the Commission, but the occasion should not be used by certain Governments to silence their public opinion by saying that they had done what was needed. Instead, the session should lead to more practical steps to put an end to a situation which jeopardized international peace and security. The resolutions just adopted by the Security Council were moves in the right direction.

16. The immediate task was for the Commission to appoint a special rapporteur, with a clear mandate, who could have access to all parts of the former Yugoslavia. The Commission would then have to agree on the dates of a second special session to examine the results of the investigations carried out by the

special rapporteur and of other measures taken. Meanwhile, the international community must be mobilized to render assistance to the people of Bosnia and Herzegovina. Moral considerations must now outweigh political expediency.

17. His country had done all it could to help the victims from the very beginning of the crisis. In the diplomatic arena, it had not spared its efforts in international forums, it had recalled its ambassador from Belgrade and it had extended a warm welcome to the Bosnian Foreign Minister, who had visited Iran. In terms of humanitarian assistance, it had sent $10 million worth of food and medicines to Bosnia.

18. Mrs. RODRIGUEZ (Uruguay) said that her country, conscious of the gravity of the situation in the former Yugoslavia and concerned to help to restore respect for fundamental rights and freedoms, was one of the 35 countries that had supported the convening of the Special Session.

19. The massive, repeated violations of human rights occurring in Yugoslavia were an outrage to the moral and legal conscience of mankind, and under no circumstances could domestic jurisdiction be invoked to evade international control pursuant to the principles and standards of existing international law. Sovereignty meant that a State was empowered to act in accordance with the law, not that it had full licence to violate the rights of the human person and the major humanitarian principles.

20. While humanitarian action was a duty of the international community, it must not be diverted from its specific purposes and become a covert form of intervention. The strategy to be adopted towards the former Yugoslavia must therefore be based on concern for human rights and humanitarian principles.

21. It was essential to break through the present isolation of various regions, especially in Serbia and in Bosnia and Herzegovina, so that effective assistance could be provided. What was also needed was a clear definition of the principles that would enable aid personnel to perform their duties in complete safety.

22. The Commission must concern itself, as a matter of urgency, with determining precise principles for the protection and possible transfer of children. That was a highly delicate issue in which not only health criteria but also the interests of children and their families must be taken into account. It was also essential that the measures to be taken should eliminate as soon as possible the causes of the massive displacements of populations. Furthermore, the existence of preventive measures in the regions in which widespread atrocities were being committed must not in any circumstances affect the right to seek asylum.

23. Her delegation considered that, although there was undeniably every reason to hold a special session of the Commission in the present circumstances, that mechanism must be reserved for exceptional cases. It was therefore necessary to determine exact procedures for the holding of special sessions.

24. Her delegation supported the initiative aimed at appointing without delay a special rapporteur with an adequate mandate to examine the human rights situation on the territory of the former Yugoslavia. Although the percentage of the population of Uruguay that was of Yugoslav origin was not high, her Government had at the latest UNHCR conference announced a contribution to the project for assistance to refugees from that region and had offered to accept a reasonable number of refugees from the former Yugoslavia.

25. Mr. ARTEAGA (Venezuela) said that his country had supported the convening of the First Special Session of the Commission because it was the bounden duty of the international community to respond to the flagrant violations of human rights taking place in the former Yugoslavia, especially in Bosnia and Herzegovina. The so-called "ethnic cleansing" policy brought tragic memories to mind.

26. His delegation categorically condemned recourse to practices which history seemed to have banished forever and demanded that the parties comply with the principles of law, especially the 1949 Geneva Conventions and their Protocols. The reaffirmation of fundamental rights was an essential component of humanitarian action in general, and all international forums, especially the Commission, must vigorously demand that they be respected.

27. His delegation emphasized the invaluable role which UNHCR and ICRC, among other humanitarian organizations, had played in very difficult circumstances, and encouraged them to pursue their work.

28. In the opinion of his delegation, it was necessary to appoint a special rapporteur, who should be able to count on the support of the various mechanisms of the Commission and all competent United Nations bodies. He should be able to submit his first report to the Commission very soon. In order to resolve the terrible conflict once and for all, all the parties must enter into a dialogue and thus overcome their inflexibility and intolerance.

29. Mr. OMAR (Libyan Arab Jamahiriya) welcomed the convening of the Commission on Human Rights in special session, although he regretted that it had not been able to meet in June as the Group of Arab States, supported by a large number of other States, had requested, to consider the dangerous deterioration of the human rights situation in the occupied Palestinian territories. Certain parties, rejecting that request, had exerted pressure on all sides to prevent the convening of such a session.

30. His delegation also found it somewhat galling to see in the line of fire a country with which it maintained friendly relations and which had played a leading role in the Non-Aligned Movement and the defence of third-world interests.

31. That being said, it was impossible to keep silent about the widespread, cruel and inhuman treatment inflicted on the non-Serbian populations, especially the population of Bosnia and Herzegovina. The reports submitted by the Secretary-General to the Security Council, especially that of 27 July 1992 (S/24353), and accounts by humanitarian organizations working on the spot had provided ample testimony of the brutality, killings, executions, destruction and mass movements of refugees currently taking place in the former Yugoslavia.

The UNHCR representative, for instance, had stated that half of Bosnia and Herzegovina had been turned into a detention centre, with large parts of the country under siege, and that the objective of detention, as of the other atrocities, appeared to be to establish ethnically pure zones. The Libyan Arab Jamahiriya associated itself with the international community in strongly and unreservedly condemning those grave violations of human rights, irrespective of the race, nationality, language, religion, opinion or social status of the victims, and of the place where they occurred.

32. In that connection, his delegation welcomed the text adopted on 13 August 1992 by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which it had requested: that steps be taken urgently to stop the massive violations of the right to life and other human rights; that the policies and practices of "ethnic cleansing" be immediately brought to an end; that displaced people be given the opportunity to return to their homes and that their safety be ensured; that full reparation be made for losses suffered as a result of displacements; that those responsible for crimes against peace and humanity and war crimes be brought to justice and that, to that end, steps be taken as a matter of urgency. The resolution to be adopted by the Commission on Human Rights at its Special Session must be consistent with the gravity of those violations and contribute to restoring peace and security in the former Yugoslavia, especially in the Republic of Bosnia and Herzegovina.

33. However, the Sub-Commission's text would be effective only if it were supported by a Security Council that took on its responsibilities with the efficiency and promptness it had displayed in far less serious situations than the one now before the Commission. In order to achieve that, the members of the Security Council, especially the permanent members, would have to stop hedging and finding excuses and pretexts.

34. In conclusion, he appealed to all parties concerned to refrain from adopting any measure or resolution that would be contrary to the interests of the Muslims, a group whose very existence in the region seemed to be threatened.

35. Mr. LEMINE (Mauritania) welcomed the initiative taken by the United States in convening a special session of the Commission, even though it was regrettable that it had not been possible to hold the session earlier.

36. From the outset, the disintegration of the Federal Republic of Yugoslavia had taken a dramatic turn, the hegemonic designs of the Serbian leaders and their policy of "ethnic cleansing" resulting in massive transfers of population, summary executions and all kinds of abuses which spared nothing, not even the cultural heritage. For some months, the Serbs had been directing their attacks against Bosnia and Herzegovina, inflicting terrible suffering, widely reported by the media and humanitarian organizations, on the Bosnian people.

37. The response of the international community must be commensurate with the challenge, and in that connection he hailed the initiatives taken by the Security Council. A weak response could only encourage the aggressors of today and tomorrow, and any procrastination would be fatal to the Bosnian

people and State. To stop the Serbian aggression and its trail of suffering, the following measures must be imposed: immediate withdrawal of the Serbian occupying troops, opening of the camps to humanitarian organizations, return of the refugees and immediate halting of the policy of "ethnic cleansing". Furthermore, humanitarian law could not be restored unless ICRC and UNHCR, as well as other humanitarian organizations, were able to perform their duties normally. Lastly, the perpetrators of grave violations of humanitarian rules must be held individually responsible for their acts. That was the minimum the international community must do to avoid ethnocide and a general conflagration throughout the Balkans.

38. Mr. SENE (Senegal) said that his country had been one of those that had supported the United States proposal to convene a special session of the Commission. Faced with the upheavals that had followed the end of East-West tension and the cold war, the international community must keep alert, be attentive to changes which threatened human rights, and, where appropriate, take action.

39. With regard to the former Yugoslavia, there had, since 1988, been many signs of the rise of nationalism, culminating in the conflicts in Slovenia and Croatia and then in Bosnia and Herzegovina, with all the human rights violations they had brought in their wake. The conflict must be contained and halted in order to avoid the destabilization of the whole of the Balkans.

40. The foremost task was to establish the truth about the detention camps and the treatment of detainees, who came under the Geneva Convention on prisoners of war, and to facilitate the provision of humanitarian assistance. To that end, the various rival factions must guarantee access to the camps by ICRC.

41. His delegation supported the idea of appointing a special rapporteur to investigate human rights violations in the republics of the former Yugoslavia. The International Law Commission should expedite the drafting of the Code of Crimes against the Peace and Security of Mankind and the establishment of the international court with power to judge those charged with such crimes.

42. In view of the increasing number of ethnic conflicts throughout the world, the United Nations should undertake an interdisciplinary study on the impact of such conflicts on human rights, arms control, environmental conservation and the conduct of parties to conflicts.

43. With reference to the former Yugoslavia, the parties must be helped to prepare for the return to peace and to learn how to live together again, showing due respect for all minorities, the rule of law and democracy. He hoped that the international conference to be held in London at the end of August would contribute to that end.

44. Mr. OSMANY (Bangladesh) expressed regret at the passivity and helplessness of the world community in the face of the policy of "ethnic cleansing", which was a flagrant violation of the Charter of the United Nations, international law and all humanitarian principles. No forcible change in the territorial configuration of Bosnia and Herzegovina was acceptable.

45. The first step should be to activate immediately the information-gathering mechanisms of the Commission. His delegation supported the United States initiative for the appointment of a special rapporteur, who should take up his duties immediately since time was of the essence. What must be avoided was that the small remaining Croatian and Muslim enclaves in Bosnia and Herzegovina were stormed and the world presented with a fait accompli.

46. His delegation considered that the draft resolution (E/CN.4/1992/S-1/L.2) submitted by the United States delegation accommodated a wide range of concerns and views and could usefully supplement the global efforts to put an end to the tragedy and protect human rights in the former Yugoslavia. For that reason Bangladesh had co-sponsored the draft resolution.

47. Human rights were indissolubly linked to peace. He called upon all the people of the former Yugoslavia to receive the special rapporteur and assist him in his mission, and to give ICRC immediate access to all the camps in which people were being held by force.

48. Mr. de RIVERO (Peru) said that the situation of the former Yugoslavia, rightly described in the resolutions recently adopted by the Security Council as a threat to international peace and security, fully justified the precedent of convening the First Special Session of the Commission on Human Rights. However, in order to ensure that such a precedent did not become routine, it must be reserved for consideration of situations of the utmost gravity.

49. The Commission's action would not be enough to settle the Yugoslav problem, but it might complement that of other bodies like the Security Council and action to be taken, first and foremost, by the political and economic institutions of Europe. European participation was essential in order to find a peaceful solution to the problem and ensure the stability and security of the Balkans.

50. Shocked as it was by the abuses committed in Yugoslavia, his delegation demanded that ICRC and regional or bilateral agencies be granted the right of immediate access to all detention centres so as to ensure compliance by all parties to the conflict with the universal principles of humanitarian law.

51. His delegation endorsed the plan, being considered by the Commission at the instigation of the United States delegation, to activate the Commission's monitoring and supervisory mechanisms in the event of a grave situation. A special rapporteur must be able to carry out investigations on the spot in order to ascertain the facts of the situation and report to the Commission as soon as possible.

52. Peru supported the peace efforts made by the European Community and had high expectations of the forthcoming international conference on Yugoslavia, to be held in London on 27 August. Having received many Yugoslav immigrants of all origins over the years, it was particularly sensitive to the tragedy of the fratricidal war which threatened the stability of the Balkans, peace and security. It would collaborate in any initiative taken to end the conflict.

53. Mr. RASAPUTRAM (Sri Lanka) said that the Commission must exercise its mandate objectively, ensuring that action by the international community did not lead to an aggravation of the crisis, either in its humanitarian aspects or in its intricate political aspects.

54. The first step was to establish the truth impartially by appointing a special rapporteur or team to investigate the allegations of human rights violations in all parts of the former Yugoslavia and report back to the Commission. Next, the Commission must exert moral pressure on those responsible for the violations, encouraging all parties to the conflict to uphold human rights and humanitarian principles. The Commission must further insist that humanitarian assistance was provided unimpeded to all victims of the conflict, of whom there appeared to be over 2 million. Finally, since human rights violations were but the consequence of deeper-rooted political and ethnic problems, the Commission should encourage all steps taken in the direction of long-term political solutions in Yugoslavia, primarily by the parties to the conflict, in cooperation with the United Nations or regional organizations.

55. The Commission had a less extensive mandate than other United Nations bodies and other international organizations, which did not merely condemn human rights violations, but that limitation was in fact a strength. The Commission acted not on mere allegations, but on impartial inquiries. Its purpose was not political and its impartial action in support of humanitarian law gave it its moral authority.

56. Mr. AMOO-GOTTFRIED (Ghana) associated his delegation with those which had paid tribute to the persons engaged in humanitarian action in the former Yugoslavia. He urged all the parties to the conflict to cooperate fully with the international organizations, to cease hostilities, and scrupulously to respect the rights and freedoms of the people of Bosnia, irrespective of their nationality, ethnic grouping or religious beliefs.

57. His delegation had joined the sponsors of the United States draft resolution E/CN.4/1992/S-1/L.2. It particularly supported the idea of appointing a special rapporteur to investigate the allegations of atrocities.

58. It was to be hoped that the international community had at last shouldered its responsibilities with regard to the former Yugoslavia, and Bosnia and Herzegovina in particular. His delegation wished to emphasize that the international community must, with complete impartiality and objectivity, fulfil its moral obligations with regard to violations of human rights wherever they occurred. It was also to be hoped that the special rapporteur's mission would be successful, but the Commission must not overlook the violations committed in other territories such as the occupied Palestinian territories, South Africa, Somalia and Liberia.

59. Mr. MACRIS (Cyprus) reminded the Commission that his country had been one of the first to respond favourably to the proposal for a special session of the Commission, which was to be the first of its kind. The Commission was, by its very nature, the conscience of the world community and it could not shirk its responsibilities. It was now confronted with a complex and urgent situation of unprecedented magnitude involving massive violations of human rights.

60. His delegation wished to expess its complete revulsion at the concept and practice of "ethnic cleansing". The people of Cyprus was linked by historical friendship, feelings of esteem and a long tradition of cooperation with the peoples of the former Yugoslavia. That was why it was so concerned about the situation in that country, and in Bosnia and Herzegovina in particular.

61. It must be borne in mind that the collective will and ability to intervene would set legal precedents for future situations. His delegation supported the objectives of the special session and considered that the appointment of a special rapporteur could clarify the human rights situation and would help to alleviate the suffering of the victims.

62. His delegation wished to pay tribute to UNHCR, UNICEF, ICRC and all the governmental and non-governmental agencies whose members were working in difficult conditions in the field, at considerable personal risk.

63. Mr. MESTRE SARMIENTO (Colombia) said that his country had supported the initiative taken by the United States in calling for a special session of the Commission. It had also supported a similar request about another serious sit ation involving human rights violations, namely, that of the Palestinian population of the occupied territories, in particular in the Gaza Strip. Colombia's attitude was therefore consistent.

64. It was against the background of an inexplicable paralysis of the international community that the pitiless genocide operation termed "ethnic cleansing" was taking place in Bosnia and Herzegovina; that operation aimed at the same time to eliminate a certain religious belief. His delegation had no doubt that the Commission would support the draft resolution under consideration, which would put into operation the fragile means available to the United Nations system to consider that dangerous situation from the human rights standpoint. His delegation would vote in favour of the text, although it would have welcomed amendments to operative paragraphs 13, 14 and 16. However, it particularly supported the provisions aimed at objectively ascertaining the facts, as it would not, at the current First Special Session, like the Commission to set a precedent which would in future jeopardize its impartiality and raison d'être. Consensus and urgency did not mean that prudence could be abandoned. Guarantees must be given to ensure objectivity of analysis and therefore to establish unequivocal principles for the management of the emergency mechanisms.

65. The affront being inflicted on mankind and the puny nature of the proposed remedy were out of all proportion to each other. In February 1992, at the forty-seventh session of the Commission, the seriousness of the situation had already been apparent. It was inexcusable that nothing had been done to deal with it. At the present time, it must be borne in mind that consideration of the question in special session was only the corollary of broader action which the international community must take in order to find a rapid and effective solution to the tragedy taking place in the former Yugoslavia. As to the deliberations and decisions to be taken by the conference that would be meeting in London at the end of August, the testimony of ICRC and UNHCR should be sufficient. F`` delegation wished to express its deep gratitude to the officials of those organizations.

66. The terrible prospect of a resurgence of the serious manifestations of racism, xenophobia and intolerance must alert the conscience of the world. The crisis in the United Nations sy. em and the ineffectiveness of some of its organs were extremely disturbing, especially at a time when some of the perils arising from the collapse of communism and from new situations emerging on all continents indicated that the Organization could play a more important role. There was justifiable concern about who would be authorized to determine the uncertain borderline between humanitarian intervention and interventicn pure and simple, or to define the nature of conflicts which might be expected to arise, or to decide who should, at the right time, have examined the dismemberment of Yugoslavia before promoting a division which had led to the tragedy the world was now witnessing. For those reasons his delegation would have reservations about the draft resolution, but it would support it in a spirit of universal solidarity.

67. The city of Geneva was home to the ghost of a League of Nations which had been unable to interpret in good time the phenomena and events which had lighted the first sparks of the Second World War. His delegation hoped that by voting in favour of the draft resolution, the international community would be capable, in the current precise circumstances, of making the response called for by the seriousness of the situation and that it would not neglect the unique opportunity to make progress along the right path.

68. Mr. PRAKASH SHAH (India) said that his country had been among the first to support the request for a special session of the Commission submitted by the United States. It had felt that the Commission was the competent body in the present case.

69. His delegation endorsed the basic thrust and objectives of the draft resolution under consideration (E/CN.4/1992/S-1/L.2) because the people of India had been shocked by the pictures of emaciated bodies behind barbed wire and by the persistent and grave violations of human rights taking place in the territory of the former Yugoslavia. They had been outraged by the criminal attacks on innocent civilians, which had caused the deaths of over 8,000 people. His delegation rejected and unequivocally condemned any manoeuvre to starve a group of people into submission. It was inconceivable that in the current day and age the phenomenon of "ethnic cleansing" should have raised its ugly head.

70. The situation had reached such alarming proportions that even humanitarian aid meant for defenceless civilians was prevented from reaching them. While reports had mainly focused on Bosnia and Herzegovina, a number of other reports spoke of violations of human rights in other parts of the former Yugoslavia. That situation had created unprecedented urgency for the international community, necessitating the convening of the Commission in special session.

71. His delegation nevertheless wished to emphasize that resort to Economic and Social Council resolution 1990/48 of 25 May 1990 for convening the session should be rare and exceptional and only for the purpose of dealing with emergency situations involving particularly serious violations of human rights. But such urgent and serious situations should not result in hasty action carrying undesirable implications for the role of the Commission as the

primary United Nations body dealing with human rights situations. The various bodies of the United Nations should restrict their deliberations and actions to their respective spheres of competence, as defined under the Charter, from whose provisions there could be no derogation.

72. His delegation considered that the time-honoured practice of appointing a special rapporteur to report to the Commission should not be tampered with. It therefore viewed with the utmost concern the propriety of asking that the report requested should be made available to the Security Council before it was considered by the Commission and the General Assembly. If that was done, the member States would have set a precedent that would diminish the importance of the Commission and create a new mandate for the Security Council. That could not be the intention of the sponsors.

73. That was an important point for his delegation, which regretted that the sponsors had not been able to endorse its view in the draft resolution, although they had seen merit in it. In fact, his delegation would happily have co-sponsored the draft had its concerns been duly reflected in it.

74. His delegation was also concerned that there was an intention to extend the work of the special rapporteur to compiling evidence of "war crimes". The introduction of that new element into the mandate of the rapporteur had implications far beyond the competence of the Commission and therefore needed serious discussion. No delegation had had time to do so and his delegation wished to issue a warning against hastily introducing a new element of the legal concept of "war crimes" in the rapporteur's mandate.

75. Despite the reservations it had expressed, his delegation would join the consensus on draft resolution E/CN.4/1992/S-1/L.2.

76. Mr. LIOR (Israel) said that Israeli public opinion had been seriously shaken by the atrocities perpetrated in the former Yugoslavia. Terms such as "population transfers", "concentration camps", "ethnic cleansing" and "summary executions" touched a raw nerve in Israel's collective body.

77. To illustrate that feeling, he quoted the statements of the Minister for Foreign Affairs and the Prime Minister of his country. The Israeli Parliament had, on 5 August, devoted a special debate to the developments in question. As had been stated on that occasion, "We do not know who is who in the battlefields of former Yugoslavia, so we are on the side of the victims. On the side of those put in concentration camps, tortured and murdered. On the side of the helpless and the voiceless". It was in that light that Israel had launched an immediate unilateral aid programme, in the form of a fully equipped medical unit, in conjunction with UNHCR and WHO. It was determined to explore other avenues of aid through United Nations channels, but also independently. It was equally determined not to rest or remain silent until the community of nations took adequate measures to bring the inhuman drama in Yugoslavia to an end.

78. His delegation wholeheartedly supported the appointment of a special rapporteur, as well as the additional measures provided for in the draft resolution under consideration. The Yugoslav challenge should unite all members in a concrete effort to prevent the dark pages of history from repeating themselves.

79. Mrs. SPASIC (Yugoslavia), speaking in exercise of the right of reply, reminded the Commission that all the general principles of international and national law, as laid down in a number of international instruments, required that the main objective of the protection of national minorities was to integrate them into the State in which they were living, and not to disintegrate that State. The essence of the problem in Kosovo and Metohija was the persistence of Albanian national extremists in their non-right to create another Albanian State at the expense of their own State, Serbia, i.e. Yugoslavia. That secessionist movement, dating back at least 50 years, had never genuinely cared for minority rights or the democratic process; it had always used them as a means of achieving its only goal, which was secession.

80. The Albanian minority enjoyed incomparably greater rights than national minorities in other countries. However, it was trying to destroy its own State and publicly declared its objectives of founding another Albanian State on the territory of Kosovo and Metohija. The Albanian secessionist movement had refused to participate in democratic elections to the republican and federal bodies since its aim was the imposition of secession and not democracy on the Albanian minority in Kosovo and Metohija.

81. However, that separatism was leading to an impasse. Kosovo and Metohija had always been, and would remain, an integral part of Serbian, and hence Yugoslav, history, culture and self-knowledge. The current democratic imbalance was the result of a 50-year-long process during which 400,000 Serbs and Montenegrans had fled the region while the Albanian population had doubled.

82. International law and the relevant international mechanisms, including CSCE, did not recognize the right of national minorities to self-determination and secession. Since the Sudeten crisis of 1938, Europe had not experienced more aggressive and disloyal behaviour by a national minority towards its State, or more serious abuses of national minority rights, than the activities of the Albanian separatist movement in Kosovo and Metohija.

83. Yugoslavia, i.e. Serbia, was truly dedicated to total normalization of the situation, to an end to the violations of all the rights of all those concerned, and to the rule of law in accordance with the CSCE principles. The only problem remained Albanian separatism and secessionism. If it were not for them, all the rest would be easily resolved, including the question of human rights. Serbia, i.e. Yugoslavia, remained open to all initiatives which would initiate dialogue and did not lay down preconditions. It was the Albanians who constantly refused all dialogue and publicly stated that they were interested in only one thing, and that was secession from Serbia, i.e. Yugoslavia, and unification with Albania.

84. She wished to take the opportunity to appeal to the international community to support Yugoslavia's efforts to solve open issues through dialogue and respect for the rights of all. Any attempt at violent secession by Kosovo and Metohija could lead to a real catastrophe in the Balkans, the dimensions of which nobody could predict.

85. Mr. BOLTON (United States of America), introducing the draft resolution contained in document E/CN.4/1992/S-1/L.2, announced that the following States had joined the sponsors: Japan, Uruguay, Cyprus, Hungary, Mexico, Venezuela, Peru, Burundi, El Salvador, Malta and Korea. The draft resolution was the outcome of very lengthy negotiations and represented a tissue of proposals originating from all countries and all regions. The text was admittedly not perfect, but it was the best that it had been possible to produce in the circumstances. The dignity of the Commission required that it should be adopted by consensus; any amendment should also be adopted by consensus.

The meeting rose at 12.50 p.m.